

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 09/954,509

Applicant: Omshehe et al.

Filed: September 14, 2001

TC/AU: 2141

Examiner: Kristie D. Shingles

Docket No.: 213306

Customer No.: 23460

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE  
EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed August 11, 2005, rejecting the following claims: 1-20.

The items checked below are appropriate:

**1. Status of Applicants**

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

**2. Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for: ☒ other than a small entity or ☐ a small entity.

Applicant has already paid fees for filing a Notice of Appeal, on February 9, 2006 therefore, no additional fees are due at this time. (See, MPEP Rev. 3 § 1204.01)

**Notice of Appeal Fee due \$0.00**

**3. Extension of Time**

☒ Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$1,020.00.

- ☐ An extension for one-month has already been secured and the fee paid therefore of \$120.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

**Extension fee due with this request: \$1,020.00**

**4. Total Fee Due**

The total fee due is:

Notice of Appeal Fee	\$0.00
Extension Fee (if any)	\$1,020.00

**Total Fee Due: \$1,020.00**

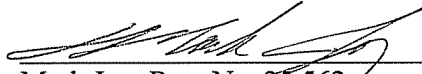
**5. Fee Payment**

- ☐ Attached is a check in the sum of \$ .
- ☒ Charge Account No. 12-1216 the sum of \$1,020.00. A duplicate of this transmittal is attached.

**6. Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

Respectfully submitted,

  
 Mark Joy, Reg. No. 35,562  
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Date: November 16, 2006

<b>MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10</b>			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number , <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Jacquelyn Hurd		
Signature		Date	November 16, 2006